

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on

These rules take effect 120 days after filing with the Secretary of State

(By authority conferred on the director of the department of energy, labor, and economic growth by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1 and 2008-20, MCL 445.2011 and MCL 445.2025)

R 408.30551, R 408.30557, R 408.30560, R 408.30561, R 408.30569, R 408.30573, R 408.30576, and R 408.30577 of the Michigan Administrative Code are amended to read as follows:

REHABILITATION CODE

R 408.30551 Applicable code.

Rule 551. The international existing building code, ~~2006~~**2009** edition, including appendix A and resource A, hereinafter referred to as "the code," is adopted by reference, as provided in MCL 24.232, as the "Michigan rehabilitation code for existing buildings" with the exception of sections 104.8, 108.2 to 108.6, 114.3, 605.1.1 to 605.2, 706.2, 706.3 and ~~1104.1.1 to 1104.1.4~~, 1105.15 and Appendix B, and as otherwise noted in these rules. The international existing building code, ~~2006~~**2009** edition is available for inspection at the Okemos office of the Michigan Department of **Energy, Labor, & and** Economic Growth, Bureau of Construction Codes or from International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, D.C. 20001, at a cost as of the time of adoption of these rules of \$~~47.00~~**66.00**.

R 408.30557 Definitions.

Rule 557. The definitions of act, ~~and~~ building official, **and registered design professional** are added to section 202 of the code to read as follows:

202. Definitions.

"Act" means 1972 PA 230, MCL 125.1501 **to 125.1531** and known as the Stille-DeRossett-Hale single state construction code act.

"Building official" means the person who is appointed and employed by a governmental subdivision charged with the administration and enforcement of the state code or codes and who is registered in accordance with the requirements of 1986 ~~P.A.~~**PA** 54, MCL 338.2301 to 338.2313. Where used in this code, the term code official means "building official."-

"Registered design professional" means an individual who is licensed under 1980 PA 299, MCL 339.101 to 339.2919.

June 23, 2010

R 408.30560 Annual permit.

Rule 560. Sections 105.1.1, ~~and~~ 105.1.2, **and 105.2** of the code are amended as follows:

105.1.1 Annual permit. In place of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the enforcing agency is authorized to issue an annual permit upon application ~~therefore~~ to any person, firm, or corporation. The applicant shall be licensed in accordance with the requirements of 1956 PA 217, MCL 338.881 **to 338.892**~~et seq.~~, 1984 PA 192, MCL 338.971 **to 338.988**~~et seq.~~, or 2002 PA 733, MCL 338.3511 **to 338.3569**~~et seq.~~

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

105.2. Work exempt from permit. Exemptions from permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for any of the following:

(a) Building permits shall not be required for any of the following:

(i) One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15m²).

(ii) A fence that is not more than 6 feet (1 829 mm) high.

(iii) Oil derricks.

(iv) A retaining wall that is not more than 4 feet (1 219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II, or III-A liquids.

(v) A water tank supported directly upon grade if the capacity is not more than 5,000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2 to 1.

(vi) A sidewalk or driveway that is not more than 30 inches (762 mm) above grade and is not over any basement or story below and which are not part of an accessible route.

(vii) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

(viii) Temporary motion picture, television, and theater stage sets and scenery.

(ix) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 927 L) and are installed entirely above ground.

(x) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

(xi) Swings and other playground equipment accessory to 1- and 2-family dwellings.

(xii) Window awnings supported by an exterior wall which do not project more than 54 inches (1 372 mm) from the exterior wall and do not require additional support of group R-3, as applicable in section 101.2 and group U occupancies.

(xiii) Movable cases, counters, and partitions.

(b) Electrical permits shall not be required, as in accordance with the Michigan electrical code, R 408.30801 to R 408.30880, for any of the following:

(i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(ii) Radio and television transmitting stations: The provisions of the code do not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply and to the installation of towers and antennas.

(iii) Temporary testing systems: A permit is not required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Mechanical permits shall not be required for any of the following:

(i) A portable gas heating appliance that has inputs of less than 30,000 Btu's per hour.

(ii) Portable ventilation appliances and equipment.

(iii) Portable cooling unit.

(iv) Steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by this code.

(v) The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.

(vi) A portable evaporative cooler.

(vii) Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less.

(viii) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

(ix) A boiler or pressure vessel for which a permit is required by sections 17 and 18 of 1965 PA 290, MCL 408.767 and 408.768.

(x) An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.

(xi) A portable gas burner that has inputs of less than 30,000 Btu's per hour.

(xii) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet (3005 mm) in length and not more than 6 fittings.

(d) Plumbing permits shall not be required for either of the following:

(i) The stopping of leaks in drains, water, soil, waste, or vent pipe. However, if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the drain or pipe with new material, then the work is considered new work and a permit shall be obtained and inspection made as provided in the code.

(ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

R 408.30561 Accessibility.

Rule 561. Sections ~~308.1~~**310.1**, ~~308.6~~**310.6**, ~~308.7~~**310.7**, ~~308.8.2~~**310.8.2** and ~~308.8.3~~**310.8.3** of the code are amended as follows:

~~308.1~~**310.1** Scope. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply in accordance with the requirements of 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to R 408.30547.

~~308.6~~**310.6** Alterations. A building, facility, or element that is altered shall comply with the applicable provisions in chapter 11 of the code and ICC/~~ANSI~~A117.1 listed in chapter ~~35~~**15**, unless technically infeasible. When compliance with this section is technically infeasible, then the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by section ~~308.7~~**310.7** of the code.
2. Accessible means of egress required by chapter 10 of the code are not required to be provided in existing buildings and facilities.
3. Buildings, structures, or improved areas which exist on or before the effective date of these rules and which are in compliance with the code at the time of the issuance of the certificate of occupancy unless the alteration specifically modifies an area covered by sections ~~308.6 to 308.8~~**310.6 to 310.8** of the code.
4. The alteration to type A individually owned dwelling units within a group R-2 occupancy shall meet the provision for a type B dwelling unit and shall comply with the applicable provisions in chapter 11 and ICC/~~ANSI~~A 117.1 listed in chapter ~~35~~**15**.

~~308.7~~**310.7** Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to a, or contains an area of, primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

Exceptions:

1. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets, and signs.
2. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems, and abatement of hazardous materials.
3. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility, or element.

~~308.8.2~~**310.8.2** Elevators. Altered elements of existing elevators shall comply with the Michigan elevator code, R 408.7001 to R 408.8695. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

~~308.8.3~~**310.8.3**. Platform lifts. Platform (wheelchair) lifts complying with ICC/~~ANSI~~A 117.1 listed in chapter ~~35~~**15**, and installed in accordance with the Michigan elevator code, R 408.7001 to R 408.8695 shall be permitted as a component of an accessible route.

R 408.30569 Minimum requirements.

Rule 569. Section 1005.1 of the code is amended as follows:

1005.1. Minimum requirements. Accessibility provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, primary function shall comply with the requirements of section ~~308~~**310**.

R 408.30573 Change of occupancy.

Rule 573. Section ~~308.4~~**310.4** of the code is amended as follows:

~~308.4~~**310.4**. Change of occupancy. Unless technically infeasible, sections ~~308.5, 308.6, 308.7 and 308.8~~**310.5, 310.6, 310.7, and 310.8** of the code shall be applied in accordance with 1966 PA 1, MCL 125.1351 to 125.1356.

R 408.30576 Accessibility requirements.

Rule 576. Sections 906.1, **912.8**, and ~~1104.1~~ **and 1104.1.3** of the code are amended as follows:

906.1 General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with the provisions of section ~~308.4~~**310.4**.

912.8 Accessibility. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply with the requirements of 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to R 408.30547.

1104.1 Accessibility requirements. The provisions of section ~~308~~**310** shall apply to buildings and facilities designated as historic structures that undergo alterations, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the code official, the alternative requirements of sections 1104.1.1 to 1104.1.5 for that element shall be permitted.

1104.1.3 Entrances. At least 1 main entrance shall be accessible.

R 408.30577 Applicability.

Rule 577. Sections 706.1 and 806.1 are added to the code and 1301.2 **and 1301.2.5** of the code ~~is~~**are** amended as follows:

706.1 General. A building, facility, or element that is altered shall comply with section ~~308~~**310**.

806.1 General. A building, facility, or element that is altered shall comply with section ~~308~~**310**.

1301.2 Applicability. Structures existing before November 6, 1974, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of chapters 4 ~~through~~**to** 12 of the code. The provisions in sections 1301.2.1 to 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, and S. ~~The provisions of~~ **This rule shall not apply to buildings with occupancies in group H or I.**

1301.2.5 Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of section 310.